

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

SUSAN CORINE GUSTAFSON,) Civil Action No. 0:19-cv-00352-TMC
)
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Plaintiff,)
)
)
v.) **ORDER**
)
)
)
ANDREW SAUL,¹)
Commissioner of Social Security,)
)
)
Defendant.)

Plaintiff Susan Corine Gustafson brought this action pursuant to 42 U.S.C. § 405(g), seeking judicial review of a final decision of the Social Security Commissioner denying her claim for benefits under the Social Security Act. (ECF No. 1). This matter is before the court on the Commissioner's Motion to Remand. (ECF No. 21). The Commissioner seeks a remand for further evaluation pursuant to sentence four of 42 U.S.C. § 405(g), specifically requesting that the administrative law judge be directed to "obtain supplemental evidence from a vocational expert to determine if Plaintiff could obtain other work that exists in significant numbers in the national economy" and to "offer Plaintiff the opportunity for a hearing." *Id.* at 1-2. The Commissioner also seeks entry of a final judgment, by separate order, ending the action. *See Shalala v. Schaefer*, 509 U.S. 292, 297-98 (1993). Plaintiff concurs with the Commissioner's motion to remand. *Id.* at 2.

¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted as a party. Fed. R. Civ. P. 25(d). *See also* 42 U.S.C. § 405(g) (providing that action survives regardless of any change in the person acting as the Commissioner of Social Security).

Accordingly, the court **GRANTS** the motion to remand (ECF No. 21). The Commissioner's decision is **REVERSED**, pursuant to sentence four of 42 U.S.C. § 405(g), and this action is **REMANDED** to the Commissioner for further administrative proceedings.²

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

October 30, 2019
Anderson, South Carolina

² The clerk of the Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.